



UNITED STATES
PATENT AND
TRADEMARK OFFICE

DEC 17 2001

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

In re Application of:

Merril et al

Serial No.: 08/879,139

Filing Date: June 19, 1997

For: ANTIBACTERIAL THERAPY WITH

BACTERIOPHAGE GENOTYPICALLY

MODIFIED TO DELAY INACTIVATION BY

THE HOST DEFENSE SYSTEM

Attorney's Docket No.: 108026-07004

PETITION DECISION

#17

This is in response to "PETITION TO WITHDRAW HOLDING OF ABANDONMENT" filed October 17, 2001.

On January 10, 2000, a decision on petition granting the petition and the office action dated October 2, 1998 were mailed to applicant, the letter set a response date to expire three months from the date of the petition. On March 27, 2001 a second Notice of Abandonment was mailed to applicant. On October 17, 2001, the present petition was filed.

Petitioner asserts that a Petition to Withdraw Holding of Abandonment was filed on June 21, 1999 after receiving the first Notice of Abandonment. A request for Status of Petition was filed August 11, 1999, to which no reply had been received. Petitioner asserts that the Decision granting the petition of June 21, 1999 mailed on January 10, 2000 and the re-mailed Office action were never received by the applicant.

The petition of October 17, 2001 provides the evidence required by 1156 O.G. 53 in support of the allegation of nonreceipt of the Decision mailed on January 10, 2000 and Office action mailed October 2, 1998 and re-mailed on January 10, 2000. Accordingly, the petition is Granted. The application has been returned to pending status and the Decision of January 10, 2000 and Office action dated October 2, 1998 are being re-mailed herewith. The time to response to the Office action is set to expire Three (3) months from the date of this decision.

PETITION GRANTED.

Bruce Kisliuk
Bruce Kisliuk
Director, Technology Center 1600

D. Daniel Dzara, II
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339

*** TX REPORT ***

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